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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/13/2004

Andras Bertha

BERTHA-4

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08/04/2006

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EXAMINER

KOSSON, ROSANNE

ART UNIT

PAPER NUMBER

1653

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Amended claims 3 and 4 and newly submitted claims 6-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons. The original elected invention is directed to a method of isolating an anti-tumor substance (a protein) from colostrum. Applicant has changed the invention to a method of isolating an antibody and the antibody produced by the method (product-by- process claims). The new invention (immunology-related) is not examined in this Art Unit or this Workgroup (the 1650's).

Applicant first submitted these claims in an after-final amendment on December 23, 2005. But, because these claims were not drawn to the elected invention, the amendment was not entered.

Because applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 3-4 and 6-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on July 13, 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

As the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Applicant should note that if he wishes to pursue claims to a method of isolating an antibody from colostrum, he may file a continuation application, but not an RCE, and this new application will be directed to the appropriate art unit.

M. Monshipouri
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PRIMARY EXAMINER

Rosanne Kosorn